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Situation of human rights in the Islamic Republic of Iran

Report of the Secretary-General*

Summary

The present report is submitted in accordance with General Assembly resolution 70/173, in which the Assembly requested the Secretary-General to submit an interim report to the Human Rights Council at its thirty-first session on the progress made in the implementation of the resolution. In the report the Secretary-General describes patterns and trends in the human rights situation in the Islamic Republic of Iran and makes recommendations to improve the implementation of the resolution.

* The present report was submitted after the deadline owing to the need for consultations with the Member State.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 70/173, in which the Assembly requested the Secretary-General to submit an interim report on the situation of human rights in the Islamic Republic of Iran to the Human Rights Council at its thirty-first session. In the report the Secretary-General provides information on progress made in the implementation of the resolution, focusing on the concerns identified therein.

2. The Secretary-General draws upon observations made by the United Nations human rights treaty bodies, the special procedure mandate holders of the Human Rights Council and various United Nations entities. He also takes into account information from official State media and non-governmental organizations (NGOs).

3. Since the submission of his report to the General Assembly (A/70/352), the application of the death penalty in the Islamic Republic of Iran continued at an alarmingly high rate, including in relation to drug-related crimes and with regard to juveniles. Corporal punishment, including amputation, flogging and blinding, was applied against individuals in detention.

4. The crackdown on journalists and human rights defenders, in particular women human rights defenders, intensified, with a large number of individuals arrested, detained and prosecuted for the mere and peaceful exercise of their profession or of their legitimate rights to freedoms of expression and association. No improvement was observed regarding the situation of religious and ethnic minorities, who remain subject to restrictions. Women and girls continued to face discrimination in the areas of marriage, employment and political participation.

5. The Government of the Islamic Republic of Iran continued to engage constructively with the United Nations treaty bodies and under the universal period review. It also invited the Special Rapporteur on the right to food and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to visit the country. However, requests for visits by other mandate holders, including the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, remained unanswered.

II. Overview of the human rights situation in the Islamic Republic of Iran

A. The death penalty

1. Use of the death penalty

6. The Secretary-General remains alarmed at the staggering rate of executions carried out in the Islamic Republic of Iran. At least 900 executions, including of women and children, were reportedly recorded in 2015, with some sources suggesting that the figure was higher than 1,000, confirming a pattern consistent since 2005.[1] At least 750 persons were executed in 2014. On 26 June 2015 alone, 25 individuals were executed in Rajai Shahr prison.[2] The United Nations High Commissioner for Human Rights and several special procedure mandate holders have repeatedly expressed concern at the surging

[1] See http://iranrights.org/newsletter.

[2] See http://tnews.ir/news/290E43222158.html (in Persian).

execution rate and called on the Government to institute a moratorium on executions.[3] In their comments on the present report, the government authorities continued to argue that owing to threats linked to the production of narcotics in the region, it was necessary to apply the death penalty as a deterrent, especially for drug-related crimes. They also argued that individuals found guilty in court proceedings were afforded due process guarantees, including access to defence counsel.

7. The Secretary-General notes the initiative by parliamentarians to replace executions for drug-related crimes with imprisonment. On 8 December 2015, a parliamentarian announced that a proposal to amend the anti-narcotics law, which provides a mandatory death penalty for drug-related offences, had been presented to the parliament. The proposal reportedly seeks to eliminate the death penalty for drug-related offences, except for armed drug smuggling.[4] The current anti-narcotics law provides for the death penalty for a myriad of lesser drug-related offenses, including the possession of more than 30 grams of methamphetamines (ibid.).

8. Executions for drug-related offences, which amount to a violation of international law, account for over 70 per cent of all executions in the Islamic Republic of Iran. These executions are often carried out after trials that do not meet international fair trial standards. The International Covenant on Civil and Political Rights prohibits the imposition of the death penalty for any but the most serious crimes. The Human Rights Committee has repeatedly stressed that drug-related offences do not meet the threshold of the most serious crimes, unless they involve intentional killing.[5] The Secretary-General, noting that execution has not deterred this type of crime, encourages the Government to seek alternative solutions, including abolishing the mandatory death penalty for drug-related crimes.

9. A large number of foreign nationals are reportedly on death row for drug-related crimes. Afghan nationals are reportedly the most affected, with at least 1,200 persons on death row as of August 2015 (see A/70/304, para. 77). Of the 17 foreign nationals reportedly executed in 2015, 16 were Afghans. Foreign nationals are particularly vulnerable, as they often do not speak the language in which the legal proceedings are held, are unfamiliar with the laws under which they are charged, have inadequate access to legal assistance and support, and are often forced to sign confessions.[6] For instance, Kelven Ozube Agbai, a Nigerian national, has been detained in Evin prison since March 2013. He was reportedly arrested at Imam Khomeini Airport in Tehran for possession of drugs. On 29 August 2013, the Tehran Revolutionary Court sentenced him to death. While in custody, Mr. Agbai was reportedly pressured to sign documents that had not been translated from the original Persian. Furthermore, he reportedly did not have access to an interpreter or legal assistance during the investigation and the trial.

10. In 2015, at least eight political prisoners were executed for charges such as *moharebeh* (taking up arms for terrorism and disruption of public safety) and several others were sentenced to the death penalty on politically motivated charges. On 4 March 2015, six individuals, including Hamed Ahmadi, Kamal Malaee, Jahangir Dehghani and Jamshed

[3] On 14 September 2015, in his opening statement to the Human Rights Council at its thirtieth session, the High Commissioner expressed concern at the accelerated use of the death penalty in the Islamic Republic of Iran. On 19 October, the Spokesperson for the Secretary-General reaffirmed the opposition of the United Nations to the death penalty and called on the Government to abolish the practice altogether.

[4] See www.isna.ir/fa/news/94091710313/ (in Persian).

[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16581&LangID=E.

[6] In their comments on the present report, the authorities stated that foreigners were systematically afforded translation and defence counsel facilities.

Dehghani, all members of the Kurdish community, were executed on charges of *moharebeh* and corruption on Earth. The executions were carried out despite serious concerns about the fairness of their trials.[7] The authorities asserted that these individuals were executed after having been sentenced to death on charges of membership in a terrorist group and carrying out armed attacks against military bases.

11. Furthermore, on 5 August 2015, the High Commissioner and a group of special procedure mandate holders separately expressed serious concern at the imposition of the death penalty on Mohammad Ali Taheri, the founder of a spiritual movement, writer and practitioner of alternative medicine theories used in the Islamic Republic of Iran and abroad. Mr. Taheri was arrested in May 2011 and sentenced to five years in prison for insulting Islamic sanctities. On 1 August 2015, the Revolutionary Court of Tehran sentenced him to death on charges of corruption on Earth, while he was serving a five-year sentence. On 21 December 2015, the Supreme Court annulled the death sentence and referred the case back to branch 26 of the Revolutionary Court, which had handed down the sentence. In confirming the Supreme Court's decision, the authorities asserted that Mr. Taheri had been convicted for establishing a diversionary cult, which caused deep harm to the members and their relatives. Shahram Ahmadi, a religious activist promoting Sunni belief by distributing books and leaflets, was arrested on 26 April 2009 and sentenced to death in early 2015 on charges relating to his alleged ties with the group that had assassinated Mohammad Sheikholeslam, an imam of Sanandaj. He was held in solitary confinement for 33 months and subjected to beatings, psychological attacks and exposure to extreme cold. Mr. Ahmadi was forced to sign a blank paper on which revolutionary guards later reportedly wrote a confession. During his trial in October 2012, neither Mr. Ahmadi nor his attorney was allowed to present his defence. Mr. Ahmadi had been imprisoned five months before Mr. Sheikholslam's assassination.

12. The Secretary-General notes with concern that the practice of public executions continued, despite their dehumanizing, cruel, inhuman and degrading effect on the victims and on observers. At least 47 individuals were publicly executed in 2015. Despite statements to the contrary by the Government, photographs taken at the scene demonstrate that children are often present at these events. The authorities dispute this figure and argue that public executions are rare and applied as a dissuasive measure. The Government did not accept the recommendation to abolish public executions made during the second universal periodic review cycle.[8] The Human Rights Committee also recommended that this practice be ended in its concluding observations on the third periodic report submitted by the Islamic Republic of Iran (CCPR/C/IRN/CO/3).

2. Execution of minors

13. On 16 October 2015, special procedure mandate holders expressed outrage at the executions of two juvenile offenders on 6 and 13 October.[9] The Special Rapporteur on summary or arbitrary executions described these executions as unlawful killings by the State, comparing them to murders performed by individuals. Underlining that executing a juvenile offender, especially after a questionable trial, directly contravenes international human rights law, the Special Rapporteur urged the Government of the Islamic Republic of

[7] See www.amnesty.org/en/latest/news/2015/03/iran-six-kurdish-sunnis-about-to-be-hanged/.

[8] See the universal data review database (www.upr-info.org/database).

[9] On 6 October 2015, Samad Zahabi was executed in secret, after being sentenced to death for the killing of a fellow shepherd when he was 17. On 13 October, Fatemeh Salbehi was hanged despite reported flaws in her trial and appeal process. Ms. Salbehi, twice a child bride, was accused of murdering her second husband when she was 17.

Iran to "immediately stop killing children".[10] On 19 October, the Secretary-General stressed that international human rights law prohibited the death penalty for crimes committed by individuals below 18 years of age. On 25 November, according to a semi-official Iranian news outlet, Mr. Alireza, a juvenile offender, was reportedly executed in Rajai Shahr prison in Karaj. He had been sentenced to death for the murder of his friend on 30 October 2008.[11] These cases bring to four the number of confirmed juvenile executions in the Islamic Republic of Iran in 2015.[12]

14. In their comments on the present report, the authorities stated that juvenile cases were tried in special courts, except for *qisas* (retribution in kind) cases that entailed the death penalty and were tried in the presence of five judges in provincial penal courts. Since *qisas* was a private right of the victim's family which could not be overruled by the judiciary, the authorities were obliged only to process legal proceedings in the case. Furthermore, the authorities stated that great efforts were made to prevent juvenile executions, including by encouraging the families of victims and perpetrators to reach a settlement.

15. The Secretary-General is particularly concerned about the denial of due process and fair trial protections to minors. Courts consistently accept confessions obtained under torture or other cruel, inhuman or degrading treatment as evidentiary bases for conviction. For instance, Hamid Ahmadi, who was 16 when he was involved in a fight with fatal consequences, was detained and interrogated by police without an attorney or guardian being present, despite his status as a minor. After prolonged interrogation, he confessed to having stabbed a man during the fight. He later informed the court that he had confessed to the murder out of fear of torture or other cruel, inhuman or degrading treatment when officials threatened to return him over to the Police Investigation Unit. He was convicted of murder and sentenced to death on the basis of this retracted confession, without his claims of torture being investigated or consideration being given to the fact that that the confession was made by a minor.

B. Torture or inhuman or degrading treatment or punishment

16. The Secretary-General remains concerned about the persistent practice of corporal punishment, such as amputation of limbs, blinding and flogging. The Islamic Penal Code, which came into force in June 2013, recognizes corporal punishment, including limb amputations,[13] flogging[14] and stoning (A/HRC/25/26). *Qisas* can include corporal punishment for crimes against the body or crimes against the person. The judiciary has frequently applied these punishments, which the Human Rights Committee considers as incompatible with article 7 of the International Covenant on Civil and Political Rights.[15]

17. At least 21 cases of corporal punishment were reported in 2015, including 3 cases of blinding, 5 cases of amputation of limbs, 1 stoning to death and 12 cases of flogging in

[10] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16611&LangID=E.

[11] See http://ana.ir/news/67795 (in Persian).

[12] A total of 73 juvenile offenders were reportedly executed between 2005 and 2015. See Amnesty International, "Iran: growing up on death row: the death penalty and juvenile offenders in Iran", 26 January 2016.

[13] Articles 234 and 278 of the Islamic Penal Code provide for limb amputations for theft and *moharebeh*.

[14] Articles 234 and 262 of the Islamic Penal Code provide for flogging for insulting the prophet and Islam, sodomy, consumption of alcohol and public moral offences.

[15] General comment No. 20 (1992) on the prohibition of torture or other cruel, inhuman or degrading treatment or punishment.

public.[16] On 13 December 2015, Iranian media reported that a woman convicted of adultery was sentenced to death by stoning in Gilan province. As at the end of December, the verdict was awaiting confirmation by the Head of the Judiciary. Article 225 of the new Islamic Penal Code prescribes stoning as a punishment for people convicted of adultery.[17] United Nations human rights mechanisms hold the view that execution by stoning constitutes a form of torture or other cruel, inhuman or degrading treatment or punishment prohibited in international law, including the International Covenant on Civil and Political Rights. The Human Rights Committee has concluded that stoning to death for adultery is a punishment that is grossly disproportionate to the nature of the "crime".[18]

18. The Secretary-General regrets the Government's refusal to accept all the recommendations concerning torture and other cruel, inhuman or degrading punishment that it received during the second cycle of the universal periodic review. The Government accepted parts of four recommendations while rejecting recommendations that it outlaw inhuman corporal punishments, revoke all laws that allowed corporal punishment of children, and investigate and prosecute all those responsible for ill-treatment or abuse of detainees (A/HRC/28/12 and Corr.1). The Government also rejected recommendations that it ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.

19. The persistence of torture and other cruel, inhuman or degrading punishment in various places of detention and prisons also remains of serious concern. Beatings, stress positions, denial of medical attention and prolonged solitary confinement are among commonly applied methods of ill-treatment. Such treatment appears to affect mainly human rights defenders, journalists, social activists, political activists, members of some religious groups and individuals associated with some minority groups. The authorities argue that torture is prohibited under Iranian law and that perpetrators are subjected to severe penalties. They stated that detention facilities were systematically supervised and inspections carried out by relevant authorities, including the Supervision and Management of Prisons Organization.

20. Between January and November 2015, special procedure mandate holders transmitted 14 communications to the Government of the Islamic Republic of Iran concerning prolonged solitary confinement, forced confessions, flogging, amputations, blinding, virginity tests (also referred to as "virginity examinations"), pregnancy tests and lack of medical attention to prisoners. For instance, on 13 September 2015, Shahrokh Zamani, a labour rights activist, reportedly died of a stroke in Rajai Shahr prison. He had been waiting for nearly a year to receive a magnetic resonance imaging test for persistent neurological symptoms. The denial of health care, along with the severely overcrowded and unsanitary conditions and deficient food, is believed to have caused his death.

21. On 10 January 2015, Atena Farghdani, a peace activist and artist, was arrested and beaten in front of her parents and later in front of a court judge. In June, she received a sentence of 12 years and 6 months of imprisonment. While in prison, she was reportedly subjected to torture, sexual harassment and degrading detention conditions. Furthermore, she was reportedly forced to take virginity and pregnancy tests and held in solitary

[16] In January 2015, a young man identified as Hamid S. reportedly underwent surgical removal of his left eye and right ear after a 2005 incident in which he attacked a man with acid, causing the victim to lose an eye and an ear. In their comments on the present report, the authorities confirmed that the blinding sentence was carried out on 4 March 2015, after the victim insisted on the implementation of *qisas*.

[17] See http://ana.ir/news/71450 (in Persian).

[18] General comment No. 20.

confinement for 20 days.[19] In their comments on the present report, the authorities stated that prison authorities had carried out tests in response to allegations of sexual assault against Ms. Farghdani on the Internet. On 14 October, Fatemeh Ekhtesari, a prominent poet, was sentenced to nine years and six months of imprisonment on charges of "insulting the sacred", "publishing unauthorized content in cyberspace" and "propaganda against the State" for the online publication of a collection of poetry entitled A Feminist Discussion before Boiling the Potatoes. Throughout her detention, Ms. Ekhtesari was subjected to prolonged solitary confinement and other cruel, inhuman or degrading treatment. She was convicted primarily on the basis of a coerced confession. Additionally, she was sentenced to 99 lashes for shaking hands with a member of the opposite sex to whom she was not related. She was also forced to take virginity and pregnancy tests.[20]

22. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences all consider virginity testing to be a form of sexual violence. The Special Rapporteurs noted that virginity testing is a violation of the right to dignity and the right not to be subjected to ill-treatment, and constitutes a particularly gross form of discrimination and of custodial violence.

C. Restrictions on freedom of opinion and expression

23. The Secretary-General notes the apparent good intentions of the President of the Islamic Republic of Iran in committing to easing restrictions on freedom of expression and his advocacy of freedom of speech as a basic human right. However, these commitments have yet to be translated into reality. In the last months of 2015, the already limited space for freedom of expression, particularly for social media activists and journalists, eroded further.

24. The Secretary-General is particularly concerned about the crackdown on journalists and social media activists ahead of the parliamentary elections scheduled for 26 February 2016. On 2 November 2015, five journalists were reportedly arrested by Revolutionary Guards in Tehran on suspicion of taking part in an "infiltration network", seeking to influence public opinion and undermining the Islamic Republic of Iran on behalf of Western Governments. The Government has named four of the journalists but has not disclosed the identity of the fifth. On 11 November, special procedure mandate holders issued a joint press statement expressing concern about the crackdown on journalists and urging the Government to provide a safe space for freedom of expression ahead of the parliamentary elections. The experts stressed the importance of freedom of expression for free and fair political processes and that public participation in any electoral process was virtually impossible if the media and civil society were so frequently affected by arrests and prosecutions. The Secretary-General is encouraged by statements by President Rouhani[21] and other government officials condemning these arrests. He urges the Government to reverse this trend by immediately releasing journalists who have been arbitrarily detained for the peaceful and legitimate exercise of their profession and to open up space for the free exchange of ideas. Freedom of opinion and expression is essential to fair and credible elections.

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[19] See https://spdb.ohchr.org/hrdb/29th/public_-_UA_Iran_16.01.15_(1.2015).pdf.

[20] See www.iran-humanrights.org/2015/10/two-poets-sentenced/.

[21] On 8 November 2015, President Rouhani criticized the granting of "special privileges" to some media, which act as "undercover police", while others "face harsh punishments". See www.theguardian.com/world/2015/nov/05/irans-president-criticises-recent-arrests-of-journalists.

25. At least 45 journalists and social media activists are being held in detention for peaceful activities in the Islamic Republic of Iran, one of the highest totals in the world.[22] The laws pertaining to freedom of expression remain overly restrictive and allow vague and broad exceptions to journalistic freedom that make it possible for the authorities to violate the spirit of the law and to harass, arbitrarily arrest and detain, or prosecute journalists (A/70/352). On 16 January 2016, the Secretary-General welcomed the release from detention of a number of Iranian-Americans, including Jason Rezaian, a reporter for the *Washington Post*, in an exchange of prisoners with the United States of America. Mr. Rezaian had been detained for 18 months, charged with espionage, collaboration with hostile Governments, gathering classified information and disseminating propaganda against the Islamic Republic of Iran. Commending the positive steps taken by the Government in releasing Mr. Rezaian, the Secretary-General called on the authorities to facilitate the release of the remaining detainees arbitrarily held in the country.

26. On 14 October 2015, the Revolutionary Court in Tehran sentenced Mehdi Moosavi, a poet, to 11 years of imprisonment and 99 lashes on charges of "insulting the sacred" on the basis of the social criticism expressed in his poetry.[23] The convictions were reportedly based on forced confessions. Mr. Moosavi was reportedly subjected to repeated and long interrogations and to more than a month of solitary confinement. He refuted the charges against him during his trial.

27. The authorities continued to filter and block social media websites, such as Facebook, YouTube, Twitter, Viber, Tango, WhatsApp and Instagram. The authorities stated that smart filtering of YouTube, Facebook and Twitter was aimed at preventing terrorist activities, promotion of extremism and violence and breaching of privacy. On 20 October 2015, the Chief Executive Officer of the instant messaging service Telegram, Pavel Durov, affirmed publicly that the Government had asked the company to spy on its users in the Islamic Republic of Iran. On 15 November 2015, the administrators of more than 20 groups on Telegram were arrested for spreading "immoral content".[24] The authorities stated that the Chief Executive Officer had accepted their request to block sites promoting terrorist and extremist activities through Telegram. They added that the managers of the sites were prosecuted in conformity with Iranian law, which requires combating the spread of prostitution and the exploitation of children. In September 2015, 11 individuals were also arrested in connection with jokes circulated on social media that were deemed offensive to the former Supreme Leader, Ayatollah Khomeini.[25]

D. Rights to freedoms of association and peaceful assembly

28. The Secretary-General deplores the Government's refusal to accept the recommendations that it received during the second cycle of the universal periodic review to repeal all legal provisions that infringe the freedoms of peaceful assembly and association (see A/HRC/28/12 and Corr.1, para. 138.227). Between January and November 2015, special procedure mandate holders transmitted five communications to the Government concerning freedom of assembly and association, drawing its attention to its international obligation to respect and fully protect the rights of all individuals to associate freely, including individuals holding minority or dissenting views or beliefs, and human rights defenders.

[22] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=16736&LangID=E.
[23] See www.iranhumanrights.org/2015/10/two-poets-sentenced/.
[24] See www.reuters.com/article/us-iran-rights-socialmedia-idUSKCN0T40MU20151115.
[25] See www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/.

29. Although domestic laws protect freedom of peaceful assembly, there are multiple restrictions on its exercise, some of which are severe. Article 27 of the Constitution states that "public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam". The latter part of this provision is vague and prone to broad interpretation and arbitrary application. Moreover, the revised Islamic Penal Code failed to amend the overly broad provisions of national security laws that severely punish individuals for exercising their right to freedom of association and assembly. For example, article 498 of the Penal Code imposes a punishment of 2 to 10 years of imprisonment for any individual who "establishes or directs a group, society, or branch, with aims to perturb the security of the country". Article 500 of the Penal Code imposes a punishment of three months to one year in prison on any individual who "engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations". Prosecutors and revolutionary courts have systematically used these laws to target, harass and imprison peaceful protesters and political dissidents. Furthermore, articles 65 and 66 of the electoral law prohibit protests and publications aimed at encouraging boycotts or reducing voter participation. The Human Rights Committee has repeatedly highlighted the importance of the principle of proportionality with regard to the "necessary" restrictions on freedom of assembly and association.[26]

30. The Secretary-General remains concerned about the large number of political prisoners, including members of political parties, who continue to serve sentences for charges that are believed to be linked to the exercise of their freedoms of association and peaceful assembly. The continued trend of arrests of political activists, human rights defenders, including women human rights defenders, and media professionals will adversely affect free, fair and participatory parliamentary elections. In particular, the house arrest in February 2011 of the two former presidential candidates and leaders of the Green Movement, Mir Hossein Mousavi and Mehdi Karoubi, remains of concern. Neither has been formally charged, nor brought before a judge, to contest the legality of his detention. The United Nations human rights mechanisms have repeatedly called for their immediate release, noting that their detention was arbitrary and in violation of the international obligations and national laws of the Islamic Republic of Iran. Their situation will prevent them from contesting and participating in the elections and may also discourage their supporters from participating. The Secretary-General calls on the Government of the Islamic Republic of Iran to release the Green Movement leaders and all other political prisoners and to open space for greater political participation and contest.

31. The Secretary-General remains concerned about the ongoing ban on the activities of the Workers' Union and the Teachers Association, whose members continue to face judicial harassment, arrest and prosecution for legitimately and peacefully exercising their right to freely associate and assemble. Teachers' unions were targeted in recent months for protesting against inequality, poor living standards and overdue wages.[27] Some of their leaders have been arrested and prosecuted. For instance, on 15 October 2015, Ramin Zandnia, a well-known member of the Iranian Teachers' Trade Association, and Parvin Mohammadi, a human rights activist, were reportedly arrested by Revolutionary Guards in Kurdistan province. They were reportedly subjected to ill-treatment during interrogation. The Revolutionary Guards also interrogated their 8-year-old daughter, who was released to her family later that night. The whereabouts of Mr. Zandnia and Ms. Mohammadi remained

[26] See, for example, communication No. 780/1997, *Laptesevich v. Belarus*, Views adopted on 13 April 2000.

[27] Authorities argued that economic sanctions had led to the closure of several industrial units, making it difficult to pay the salaries of workers.

unknown at the end of December 2015. In April 2015, Esmail Abdi, General Secretary of the Association, was ordered to resign from his position and threated with the implementation of a sentence previously issued against him of 10 years of imprisonment. On 27 June, while travelling to Armenia, he was arrested at the border and his passport confiscated. He was then directed to the prosecutors' office in Tehran. He has since been held in solitary confinement and his family has been allowed access to him only once, in the presence of an interrogator. He has not been provided information regarding the charges against him.[28] The authorities reported that on 22 August, Mr. Abdi was indicted on charges of assembly and collusion, crimes against national security and propaganda against the State.

E. Situation of human rights defenders and other civil society actors

32. The situation of human rights defenders in the Islamic Republic of Iran remains worrisome. The Government has taken no practical measures to open up space for human rights activists and lawyers. Most of the prominent human rights activists and lawyers are serving prison terms or are subjected to travel bans and bans on the exercise of their profession. In July 2015, the Iranian bar association only reduced to nine months the three-year ban on practising law imposed in 2014 on Nasreen Sotoudeh, an internationally known lawyer and human rights activist. In addition, authorities have harassed and threatened people who have expressed solidarity with Ms. Sotoudeh during her eight-month-long protest against the ban, which she staged in front of the bar association from October 2014 to June 2015.

33. Narges Mohammadi, former Vice-President of the Defenders of Human Rights Centre and one of the founders of the group Step by Step to Stop the Death Penalty, has been continually harassed, imprisoned and subjected to cruel, inhuman or degrading treatment since her conviction in April 2012 on charges of assembly and collusion against national security, membership in the Defenders of Human Rights Centre and spreading propaganda against the Government. Ms. Mohammadi was arrested on 5 May 2015 despite her poor health. Her medical condition, which includes muscular paralysis and lung complications, has lately deteriorated significantly. Following a medical emergency on 7 October, when she had a neurological attack that led to partial numbness of her body, she was taken to a specialist hospital. Although doctors had ordered her immediate hospitalization, she was returned to the prison, where her condition deteriorated further. On 11 October, Ms. Mohammadi was hospitalized outside the prison. She was reportedly chained hand and foot to her bed, under the constant surveillance of three guards. Since her hospitalization, she has suffered convulsions on at least three occasions but has reportedly been denied the necessary treatment.[29]

34. The Secretary-General remains concerned about allegations of acts of reprisals in the form of intimidation against individuals for their cooperation with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. In his report to the Human Rights Council at its thirtieth session (A/HRC/30/29), the Secretary-General referred to reprisals against 10 individuals owing to their engagement or contacts with the Special Rapporteur. The Secretary-General reiterates that reprisal against individuals should cease immediately as it is contrary to the principle of human dignity and violates numerous human rights.

[28] See www.tuc.org.uk/iranteacherleader and www.ei-ie.org/congress7/en/637-iranian-teacher-union-leader-jailed.

[29] See www.fidh.org/en/issues/human-rights-defenders/iran-the-cruel-inhuman-treatment-of-ms-narges-mohammadi-must-stop-18652.

F. Situation of women

35. The Islamic Republic of Iran has ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in addition to other treaties that prohibit discrimination. However, it is not a party to the Convention on the Elimination of All Forms of Discrimination against Women. As the Human Rights Committee observed in concluding observations adopted in 2011 (CCPR/C/IRN/CO/3), the status of the international human rights treaties in domestic law is not specified in the legal system, which hinders the full implementation of the rights contained in the International Covenant on Civil and Political Rights.

36. The Secretary-General remains concerned about violations of the human rights of women, including in relation to freedom of movement, the right to health and the right to work. Following the adoption of the Plan to Promote Virtue and Prevent Vice in April 2015, strict and discriminatory rules on women's and girls' dress are being enforced across the country. On 15 November, police announced that cars driven by women not wearing the hijab would be impounded for a week and fines would be imposed.[30] The police allegedly use this provision to intimidate and harass women, and also to subject them to physical violence and imprisonment. On 15 December, the head of the Tehran traffic police was quoted in the media as stating that during the previous eight months, traffic police had dealt with 40,000 cases of "bad hijabs", with vehicles seized and their owners brought before the courts.[31] These regulations violate women's and girls' human rights and limit their ability to carry out essential daily activities. The authorities stressed that wearing the hijab was a moral matter and its imposition in public places was to maintain security.

37. There has been no progress in efforts to end child marriages. According to *The Global Gender Gap Report 2015*, 21 per cent of Iranian women aged between 15 and 19 married as children.[32] The United Nations Children's Fund (UNICEF) estimates that between 2005 and 2013, 17 per cent of girls in the Islamic Republic of Iran were married by the age of 18.[33] Despite recommendations emerging from the second cycle of the universal periodic review and increasing awareness of the harm caused by early and forced marriages, the legal age of marriage for girls in the Islamic Republic of Iran, established by the Civil Code, is still 13 years old. Article 1041 of the Code also allows girls under the legal age to be married with the consent of their father or the permission of a court. The Code further stipulates that, regardless of the bride's age, if she is a virgin, she needs her father's or grandfather's consent to marry. Child and forced marriages result in numerous human rights violations, including violations of the rights to employment, education and other opportunities for girls and young women, and expose them to a variety of forms of violence. Several United Nations human rights experts, special procedure mandate holders[34] and treaty bodies[35] have established that neither cultural diversity nor freedom of religion may justify discrimination against women. In their comments on the present report, the authorities acknowledged that there had been occurrences of underage marriage in rural areas and noted that it was legitimate in some regions, owing to geography and sexual

[30] See www.iranhumanrights.org/2015/11/hijab-new-restrictions/.

[31] See http://shohadayeiran.com/fa/news/101470/ (in Persian).

[32] World Economic Forum, *The Global Gender Gap Report 2015* (Cologny, Switzerland, 2015).

[33] See http://data.unicef.org/corecode/uploads/document6/uploaded_pdfs/corecode/SOWC_2015_Summary_and_Tables_210.pdf.

[34] See, for example, A/67/287, A/68/290 and A/HRC/26/22 and Corr.1.

[35] See Human Rights Committee, general comment No. 28 (2000) on the equality of rights between men and women, para. 21; and Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009) on the right of everyone to take part in cultural life, paras. 18 and 64.

maturity. They stated that the average age for marriage for men and women in urban areas was 26.7 and 23.4 years, respectively.

38. Under article 1117 of the Civil Code men are allowed to prevent their wives from being employed (in the public or private sector) if they consider the work to be "incompatible with the interests of the family or with his or his wife's dignity".[36] Article 1108 of the Code requires women to be submissive to men and specifies that they may lose their rights, including to maintenance, if they fail to respond to the sexual needs of their husband. According to article 1133, women seeking to divorce must prove before the court that their marriage imposes an intolerable level of difficulty and hardship in order to be granted the right to request a divorce; this requirement does not apply to men. International human rights law guarantees gender equality in the family, including when entering into marriage, during marriage and at its dissolution. The lack of equality with respect to these stages leads to discrimination against women and girls and makes them vulnerable to domestic violence.

39. The Secretary-General notes the improvement in gender parity recorded in *The Global Gender Gap Report 2015*, which shows a gender parity index of 0.98 for enrolment in primary education. However, in the report the Islamic Republic of Iran is ranked 106 of 145 countries in terms of educational attainment, according to a calculation that includes the literacy rate and enrolment at all levels of education.[37] In this context, the gender gap among out-of-school children of primary-school age is particularly alarming, with 63 per cent of girls not enrolled in primary education compared with 35 per cent of boys.

40. The Islamic Republic of Iran was ranked 141 out of 145 countries in terms of women's economic participation and opportunity, with unemployment among women reaching 19.8 per cent, compared with 8.6 per cent for men.[38] While acknowledging the low rate of women's economic participation, the authorities stressed that various ministries and economic institutions were working to reduce the gap by allocating entrepreneurship facilities to women, facilitating technical and vocational training, granting loans and providing increased credit for women heads of household.

41. The Secretary-General remains concerned about the extremely low political representation of women in the Islamic Republic of Iran, noting that only 3.1 per cent of parliamentarians are women. Women generally remain underrepresented in decision-making positions. Moreover, a ban on women judges presiding over courts and issuing verdicts remains in place. Women have never served in the Guardian Council or in high positions in the Expediency Council (CCPR/C/IRN/CO/3). The Comprehensive Population and Exaltation of Family Bill, adopted on 2 November 2015, further excludes women from the labour market, as it gives priority to men (A/70/368). The Secretary-General expresses his concern regarding the new law as it reinforces discriminatory stereotypes of women. In their response to the present report, the authorities indicated that women were represented at the highest political level, including as vice-presidents, vice-ministers, advisers to ministers, directors-general, governors, mayors, judicial counsellors and judges. They noted that the Government had appointed its first woman ambassador in 2015.

42. The Secretary-General is concerned about the Bill to Increase Fertility Rates and Prevent Population Decline (No. 446), currently before the parliament, as it would increase restrictions on women's right to accurate information on contraception and reduced childbearing, restricting such information to access to educational material to prevent

[36] See www.amnesty.ch/de/laender/naher-osten-nordafrika/iran/dok/2015/iran-frauen-sollen-zu-gebaermaschinen-degradiert-werden/you-shall-procreate (in German).

[37] See http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=IRN.

[38] Ibid.

threats to children's health. Moreover, the text would outlaw voluntary sterilization, which is reportedly one of the most common methods of modern contraception in the Islamic Republic of Iran.[39] The Special Rapporteur on violence against women, its causes and consequences has explicitly characterized restrictions on contraception as a form of violence.

G. Treatment of individuals belonging to religious and ethnic minorities

43. During the interactive dialogue at the second universal periodic review cycle, representatives of the Islamic Republic of Iran cited President Rouhani's efforts to promote the rights of ethnic and religious minorities. They referred to the President's appointment of a special assistant for ethnic and religious minority affairs; the appointment of 335 members of ethnic communities to high-ranking State positions; parliamentary seats reserved for members of religious minorities; and the right of members of all religious and ethnic minorities to profess and practise their culture and religion. Despite these welcome announcements, the Secretary-General regrets the Government's decision to accept, fully or partially, only 12 out of 28 recommendations resulting from the review concerning the protection of religious and ethnic minorities (A/HRC/28/12). The United Nations human rights mechanisms continued to express concern about the situation of ethnic and religious minorities, highlighting the absence of improvement in that regard. Between January and November 2015, the Special Rapporteur on the situation of human rights in the Islamic Republic Iran and thematic mandate holders transmitted four communications to the Government concerning freedom of religion or belief.

44. The Constitution of the Islamic Republic of Iran recognizes Christians, Jews and Zoroastrians as protected religious minorities, free to perform their religious rites and ceremonies and to provide religious education in accordance with the tenets of their faith (A/70/411). The Constitution does not extend such recognition to other religious groups, such as Baha'is, leaving them vulnerable to discrimination and judicial harassment and persecution. On 15 November 2015, 20 individuals belonging to the Baha'i community were arrested for faith-related activities in Tehran, Isfahan and Mashhad.[40] At the time the present report was drafted, 10 of the detainees had been released and 2 had been charged with "propaganda against the regime". At the end of 2015, 80 Baha'is, including the 7 Baha'i community leaders known as the Yaran, remained in prison solely on account of their religious beliefs. The 7 leaders were arrested in May 2008 and are serving a 10-year prison sentence on charges of espionage, "propaganda against the regime", "collusion and collaboration for the purpose of endangering national security" and "spreading corruption on Earth". They remain deprived of a number of rights to which all other prisoners are entitled, including furloughs and conditional release. The Working Group on Arbitrary Detention and other international human rights mechanisms declared their detention arbitrary and urged the Government to release them.

45. Members of the Baha'i community are generally denied access to public and private universities. Those who managed to enrol without their religious affiliation being known were expelled when their faith was revealed. In their comments on the present report, the authorities claimed that no Baha'i had been prosecuted for his/her beliefs and that Baha'is were pursuing higher education at the masters and doctorate levels in Iranian universities.

[39] See www.amnestyusa.org/research/reports/you-shall-procreate-attacks-on-women-s-sexual-and-reproductive-rights-in-iran.

[40] See http://news.bahai.org/story/1084.

46. The desecration of Baha'i cemeteries, the campaign of incitement to hatred by means of spreading false statements in the State media, including State-sponsored television, and the prohibition of businesses belonging to Baha'is continued in 2015. In late November, at least 28 shops owned by Baha'is were closed down in Mazandaran and Kerman, simply for observing Baha'i holy days.[41] The authorities argued that the business owners had failed to acquire prior permission from the guild before the mass closure, as required by law. On 24 October, Azita Rafizadeh began serving a four-year prison sentence handed down by the Tehran Revolutionary Court on a charge of "membership in the illegal and misguided Baha'i group with the aim of acting against national security through illegal activities at the Baha'i Institute of Higher Education".[42] Ms. Rafizadeh was among those arrested during the 2010 crackdown on the Institute.

47. The Secretary-General notes the concern expressed by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran regarding the ongoing discrimination against non-Shia Muslims and other recognized religious minorities. For instance, Sunnis have not been granted permission for the construction of a mosque in Tehran since 1979 and the construction of Christian church buildings, including for Orthodox Armenians and Assyrians, has been restricted since 1979 (A/HRC/28/70).

48. Authorities often apply vague, codified criminal charges that allow for broad interpretation and discriminatory treatment of minorities. For example, as at October 2015, at least 33 Sunni men, most of them members of the Kurdish minority, were on death row on charges of "gathering and colluding against national security", "spreading propaganda against the system", "membership of Salafist groups", "corruption on Earth" and "enmity against God".[43]

H. Environmental concerns

49. The Secretary-General is concerned about harmful environmental conditions, particularly severe dust storms and drought affecting various parts of the Islamic Republic of Iran. Environmental conditions are closely linked to the enjoyment of many fundamental human rights, such as the rights to life, health, water and sanitation, and development, and the Special Rapporteur urges the Government to adopt effective measures to mitigate the harmful impacts of environmental degradation and extreme weather events on the population.

50. Reports have indicated that several devastating dust storms swept through the south-west of the Islamic Republic of Iran in February 2015. On occasion, the dust concentration was so high that pollution testing devices became dysfunctional.[44] The storms also reduced visibility to as low as 50 metres, contributing to fatal car crashes. On 10 February, a dust storm in Ahwaz sparked protests from local residents. Official reports indicated that over 250 people reported to Ahwaz hospitals with respiratory problems in February. The situation worsened in the following months, when some 22 provinces were affected by dust storms.[45]

51. While some officials have stated that the dust problem came from neighbouring countries, reports indicate that the storms in the central regions seem to have originated domestically and may be related to oil exploration, excavation and exploitation. The State-

[41] Ibid.
[42] See www.iranhumanrights.org/2015/10/azita-rafiezadeh/.
[43] See www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/.
[44] Joint submission of Justice for Iran and Insight Iran, 30 June 2015.
[45] Ibid.

owned organization Petroleum Engineering and Development Company continues its development of Yaran Shomali, an oil field being exploited jointly by the Islamic Republic of Iran and Iraq, despite environmental complaints lodged against it in May 2015.[46] The authorities stated that the company was allowed to operate after making modifications to avoid creating dust. The Secretary-General calls on State-owned enterprises to comply with human rights obligations and protect the environment.

52. The economic sanctions levied on the Islamic Republic of Iran have also created a reliance on locally produced, poorly refined fuel ,the production of which may contribute to dust storms and air pollution that affects people's health. During the times of the year when the highest levels of pollution are recorded, air pollution in the country often causes a number of deaths.[47] In December 2015, the Government was forced to close all schools and kindergartens for two days[48] and to postpone a top league football match because on 20 December, the air quality index reached 132, well above the World Health Organization advised level of between zero and 50.[49] While acknowledging the problem, the authorities hope that with the implementation of the Joint Comprehensive Plan of Action on the nuclear programme of the Islamic Republic of Iran negotiated between the Islamic Republic of Iran and the five plus one group of countries,[50] access to clean fuel and international investment in new and greener technology will allow for a reduction in air pollution.[51] The authorities indicated that a national working group was working with various institutions to address issues pertinent to air pollution and that a bill on air pollution and other environmental issues was being debated in the parliament.

53. Recently, parts of the Islamic Republic of Iran have also experienced water shortages. To address those shortages, the Government has called for a revolution in agriculture, as over 90 per cent of the country's water is currently being used for agricultural purposes. In March 2015, the Energy Ministry reported that 60 per cent of the reservoirs of major dams were empty, caused in part by a fall in the flow of water. The Government has pledged US$ 5.4 billion from the National Development Fund to be invested in the water sector.[52] The Secretary-General recalls that all persons have a right to adequate safe and accessible water and sanitation to meet their basic needs.

[46] See http://isna.ir/fa/news/94022112548/; www.farsnews.com/newstext.php?nn=13940221001685; and http://pedec.ir/resume-manager (all in Persian).

[47] According to Iranian officials, air pollution in Tehran alone claims 180 lives per day. See www.tehrantimes.com/.

[48] See www.cbsnews.com/news/iran-closes-capital-schools-due-to-air-pollution/.

[49] See www.theguardian.com/world/2015/dec/27/iranian-football-matches-postponed-as-air-pollution-soars.

[50] In the intended nationally determined contribution of November 2015 submitted by the Islamic Republic of Iran under the United Nations Framework Convention on Climate Change, the Government pledged to mitigate its greenhouse gas emissions by 4 per cent and suggested that they could be mitigated by an additional 8 per cent (12 per cent in total) if the sanctions were lifted. See www4.unfccc.int/submissions/INDC/Published%20Documents/Iran/1/INDC%20Iran%20Final%20Text.pdf.

[51] See www.bbc.com/news/world-middle-east-34961297.

[52] See www.un.org.ir/images/Tehrans_dwindling_water_supplies_-_MEED_15_July_2015.pdf.

III. Cooperation with international human rights mechanisms

A. Cooperation with the United Nations treaty bodies

54. The Secretary-General welcomes the continued engagement of the Islamic Republic of Iran with the treaty bodies, notably the submission of periodic reports and its dialogue with experts. On 11 and 12 January 2016, the Committee on the Rights of Child considered a periodic report (CRC/C/IRN/3-4) submitted by the State party for the first time since 2005. During the review, the Committee raised a wide range of issues, such as the legal definition of a child; the execution of juvenile offenders; discrimination against girls; children with disabilities; children born out of wedlock; unregistered refugees; migrants; lesbian, gay, bisexual, transgender and intersex children; underage marriages; the practice of killings in the name of honour; and female genital mutilation (CRC/C/IRN/CO/3-4).

B. Cooperation with the special procedures of the Human Rights Council

55. The Secretary-General welcomes the increasing contacts and dialogue between the Government of the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. He is encouraged by the expert-level dialogue on issues related to drug trafficking and addiction that took place in September 2015 between the Special Rapporteur and the Permanent Representative of Iran to the United Nations Office at Geneva and a delegation consisting of members of the judiciary, the High Council for Human Rights, the Ministry of Foreign Affairs and the chief of the anti-narcotics forces. The Government has also provided substantive comments on the reports of the Special Rapporteur. However, the Government has yet to invite the Special Rapporteur to visit the country.

56. Meanwhile, the Government has invited the Special Rapporteur on the right to food and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to visit the Islamic Republic of Iran; these are the first invitations issued to thematic special procedures mandate holders since 2005. The Secretary-General welcomes this development and encourages the Government also to authorize visits it has agreed to in principle by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief and the Working Group on Enforced or Involuntary Disappearances.

57. Special procedure mandate holders transmitted 24 communications to the Government of the Islamic Republic of Iran in 2015. Most communications referred to cases of torture and ill-treatment, executions, arbitrary arrests and detentions of journalists and human rights defenders, persecution of religious minorities, unfair trials and denial of medical treatment of detainees. The authorities responded to only 5 communications.

IV. Recommendations

58. **The Secretary-General remains deeply troubled by reports of increased numbers of executions, amputations, arbitrary arrests and detentions, unfair trials, and possible torture and ill-treatment of human rights activists, lawyers, journalists and opposition activists. He reiterates his call on the Government to introduce a moratorium on the use of the death penalty and to prohibit executions of juvenile offenders in all circumstances. The Secretary-General encourages the Government to approve the proposed amendment to the anti-narcotics law which seeks to remove the mandatory death penalty for drug-related offenses.**

59. The Secretary-General urges the Government to create space for human rights defenders, lawyers and journalists to perform their duties without fear of arrest, detention and prosecution and to release political prisoners, including human rights defenders and lawyers, detained solely for legitimately and peacefully exercising their rights to freedom of expression, association and peaceful assembly.

60. The Secretary-General welcomes the Government's invitation to the United Nations High Commissioner for Human Rights to visit the Islamic Republic of Iran and encourages it to invite the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and to fully cooperate with him.

61. The Secretary-General urges the Government to remove all discriminatory provisions affecting women in all relevant laws, in accordance with international standards, and to develop national strategies to address harmful and violent practices against women and girls, including child marriage. He urges the Government to take concrete and strong measures to eliminate all forms of discrimination against women in all spheres of life.

62. The Secretary-General urges the Government to improve the conditions in women's detention facilities in accordance with international standards and in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

63. The Secretary-General urges the Government to take immediate steps to protect the rights of all persons belonging to religious and ethnic minorities, especially Baha'is, and to address all forms of discrimination against them. The Secretary-General renews his call on the authorities to release the seven Baha'i leaders from detention.

64. The Secretary-General welcomes the Government's engagement with United Nations human rights treaty bodies and urges it to follow up on the concluding observations of all treaty bodies and to ratify the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty; the International Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.